

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13  
:   
ROBERT C. AUNGST : CASE NO. 1-19-02464-HWV  
:   
Debtor :   
:   
COMMONWEALTH OF PENNSYLVANIA :   
: SS.  
COUNTY OF DAUPHIN :

**AFFIDAVIT**

The undersigned, Tracy L. Updike, having been duly sworn, hereby states as follows:

1. This Affidavit is made for purposes of an Application of Attorney for Chapter 13 Debtor for Compensation and Reimbursement of Expenses.

2. I am more than twenty-one (21) years of age and competent to give this Affidavit regarding the matters herein stated.

3. I, Tracy L. Updike, became bankruptcy counsel for the above-referenced Debtor while employed at Schiffman, Sheridan and Brown ("SSB"), and continued as bankruptcy counsel with my move to Mette, Evans & Woodside ("MEW").

4. I maintained contemporaneous hourly records and directed billing of my clients.

5. My financial arrangement with the Debtor encompassed the Presumed Reasonable Fee ("PRF") until confirmation, with hourly billing thereafter.

6. On December 5, 2019, Debtor's Plan was confirmed and thereafter MEW received the Presumed Reasonable Fee through payments from the Chapter 13 Trustee under an arrangement with SSB.

7. I understand that the Court has a duty under In re Busy Beaver Building Centers, Inc., 19 F.3d 833 (1994) to review fee applications, which derives from the Court's inherent obligation to monitor the debtor's estate and to serve the public interest.

8. SSB changed their document management system sometime in late 2020, and when the information was imported from PCLaw, the time and billing software, somewhere in the conversion all time and fee entries for almost 30 years have been lost.

9. I do not have any supporting documentation that I can provide at this time for time pre-September 2019; however, SSB waived their fees on this file.

10. The PRF fee is instead being held in escrow at MEW and shows up as a credit to Debtor's invoice under the current Application for Compensation and Reimbursement of Expenses pending before this Court.

11. My client was aware of all of the amounts billed on his account, and was provided a copy of the September 2023 Application for Compensation and Reimbursement of Expenses submitted by me on behalf of MEW.

  
\_\_\_\_\_  
Tracy L. Updike

Sworn to and subscribed before me  
this 13<sup>th</sup> day of September 2023

  
\_\_\_\_\_  
Notary Public

